

DEFINITIONS

Eligible former employee means (1) an employee in a merit or non-merit position subject to the jurisdiction of the State Personnel Department prior to July 1, 2011, and (2) an employee in a position in the state civil service on or after July 1, 2011, who breaks service in good standing and is subsequently selected for hire or who is laid off and recalled in accordance with the laws and rules in effect at the time of the recall or effective date of subsequent hire.

Recall means the return to work of an eligible former employee laid off pursuant to IC 4-15-2-32 or IC 4-15-2.2-40 within the time frames and other parameters established in IC 4-15.2.2-41.

Re-employment means the return to work of an eligible former employee who separated from state service in good standing and whose effective date of subsequent hire in the state civil service is within two years of that separation.

Rehire means the selection for hire of a former employee who separated from the service more than two years before the effective date of the subsequent hire.

Resignation in good standing requires provision of two weeks' notice of intent to separate from employment and either working each day until the date of separation or obtaining a waiver from the appointing authority who agrees to accept a shorter notice and an earlier separation date. A resignation in good standing includes a separation while on the state's Short/Long Term Disability Plan or Family-Medical Leave where the employee's return to work is prohibited by the medical condition that is the basis of the leave. Use of vacation leave in a manner that merely extends the effective date of an employee's final day of employment without the performance of meaningful work for a sustained period upon return from such leave is prohibited, will not be paid and may result in the employee's official record listing a separation not in good standing.

RESPONSIBILITIES

Eligible former employees wishing to be selected for hire are responsible for:

- asserting a claim to recall rights in response to an official posting of a vacancy if the person was laid off within one year of the posting; and/or
- notifying the hiring authority of any/all prior state service for consideration of leave restoration and/or eligibility for previous salary pursuant to the provisions of this policy.

Hiring Managers are responsible for:

- applying the rights of this policy to employees who are recalled in accordance with IC 4-15-2.2-41;
- applying re-employment rights of this policy to eligible former employees whose effective date of subsequent hire is within two years of a separation in good standing; and
- applying rehire rights of this policy to eligible former employees whose effective date of subsequent hire is more than two years after a separation in good standing.

PROCEDURES

Except in certain circumstances involving layoff and recall, agencies are not required to re-employ former employees who apply for employment; however, once the decision has been made to re-employ, then the person is entitled to certain rights as outlined below.

RECALL

The order of and right to recall shall be implemented in accordance with IC 4-15-2.2-41.

The right to recall from layoff expires on the earlier of

- (a) one year after the date the employee is laid-off; or
- (b) the date the employee is reemployed into a position in the state civil service that is not temporary nor intermittent.

For purposes of determining state seniority, a laid-off employee who is recalled within one year of that layoff shall be recorded as having unbroken, continuous state service except that the time spent on layoff, if more than 30 consecutive calendar days, shall be deducted and no leave shall accrue during the length of the layoff.

Balances of accrued leave that remained unused and uncompensated at the time of the layoff, including special sick leave, shall be reinstated and available for use immediately upon recall. Leave accruals begin immediately and there is no waiting period for use of newly-accrued leaves.

RE-EMPLOYMENT

Employees whose effective date of subsequent hire is within two years of a separation in good standing shall be entitled to have their salary at the time of separation in good standing reinstated provided they are re-employed in the same classification under the same appointing authority from which they separated and that salary is within the pay range for that classification.

Balances of accrued leave that remained unused and uncompensated at the time of the separation in good standing shall be reinstated and available for use immediately upon re-employment. Leave accruals begin immediately, and there is no waiting period for use of newly-accrued leaves. Non-continuous service prior to June 30, 1982, shall not be considered in determining eligibility for additional vacation leave.

Re-employment into the classified service requires a working test period in the same manner as an appointment to that classification without regard to any previously completed working test in the classification to which the employee is re-employed.

REHIRE

Eligible former employees whose effective date of subsequent hire is more than two years of a separation in good standing are not entitled to their former rate of compensation.

Balances of accrued leave that remained unused and uncompensated at the time of the separation in good standing shall be reinstated and available for use immediately upon rehire. Leave accruals and eligibility for use of newly-accrued leaves shall be in the same manner as persons hired for the first time into state civil service. Non-continuous service prior to June 30, 1982, shall not be considered in determining eligibility for additional vacation leave.

Rehire into the classified service requires a working test period in the same manner as an appointment to that classification without regard to any previously completed working test in the classification to which the employee is rehired.

Former employees who did not resign in good standing shall not be entitled to their former rate of compensation or leave restoration or additional vacation leave credit if they return to employment in the state civil service and shall be treated in the same manner as persons hired for the first time into the state civil service.

REFERENCES

IC 4-15-2.2-34

IC 4-15-2.2-39

IC 4-15-2.2-40

IC 4-15-2.2-41

31 IAC 2-11

Interim Rule 3-1

Interim Rule 8-2(h)

Interim Rule 8-3(d)

Interim Rule 8-4(f)

Interim Rule 12-4